

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Dana C. Bookbinder, et al.

Serial No: 10/809,020

Art Group Unit: TBA

Filing Date: March 24, 2004

Examiner: TBA

Title: METHODS FOR PROTECTING SILICA-
CONTAINING ARTICLE AND
INHIBITING BREAKS DURING
DRAWING OF OPTICAL FIBER, AND
SILICA-CONTAINING ARTICLE
PROTECTED AGAINST BREAK-
INDUCING PARTICULATES

**PRELIMINARY AMENDMENT
ACCOMPANYING
CONTINUATION APPLICATION**

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**COMMUNICATION FORWARDING CORRECTED PRELIMINARY
AMENDMENT ACCOMPANYING
CONTINUATION APPLICATION**

Sir:

Enclosed is a copy of Notice of Non-Compliant Amendment (37 CFR 1.121) dated July 29, 2004. Applicant notes that the Patent Office states that the Preliminary Amendment filed on March 24, 2004, does not properly identify the status of each claim identified within the Preliminary Amendment. Applicant also notes that the Patent Office has identified Claims 34-50 as being **new** claims. Applicant has corrected the Preliminary Amendment to identify Claims 34-49 as being **original** claims. Only Claim 50 is **new**. Claims 34-49 were present in U.S. Application No. 09/447,077 filed on November 22, 1999, the application from which this Continuation claims priority.

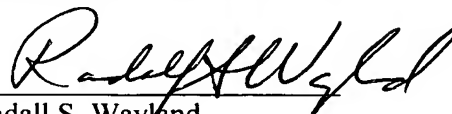
It is respectfully requested that the Patent Office enter the Preliminary Amendment Accompanying Continuation Application as corrected.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

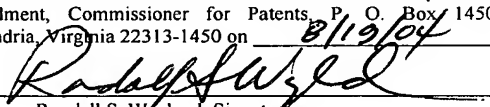
CORNING INCORPORATED

Date: 8/19/04


Randall S. Wayland
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Corning Incorporated
Patent Department
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Corning, NY 14831

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §

1.10: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee", service under 37 CFR 1.10 on the date indicated below and is Addressed to Mail Stop Patent Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on 8/19/04.


Randall S. Wayland, Signature



10/809020

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3-24-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claims 1-33 are (Cancelled) & Claims 34-50 are (New)

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Susan Alley
Legal Instruments Examiner (LIE)

(571) 272-1017
Telephone No.



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PRELIMINARY AMENDMENT ACCOMPANYING
CONTINUATION APPLICATION

Sir:

This is a Preliminary Amendment accompanying a **Continuation** of U.S. Application No. 09/447,077 filed November 22, 1999. Applicant requests that prior to the calculation of any fees the following amendments be entered, without prejudice, in the case.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 5 of this paper.